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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,237	06/26/2003	Yoshiaki Suzuki	01272.020589	4242
5514 7590 10/18/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER EDWARDS, LAURA ESTELLE	
			ART UNIT 1792	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,237

Applicant(s)

SUZUKI ET AL.

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15,16,50,51,55 and 56 is/are pending in the application.
- 4a) Of the above claim(s) 50 and 51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13,15,16,55 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-7, 9, 15, 55, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakes (US 4,226,886) in view of Hansen (US 3,971,315), Lofgren (US 3,326,180), and Ichikawa et al (US 6,051,629).

Lakes teaches a liquid transfer device or stamp pad comprising a liquid transfer member (74) for receiving a desired liquid (col. 1, lines 6-8; lines 43-46), the liquid transfer member including a transfer surface to contact another surface, the liquid transfer member for placement in a holder (col. 10, lines 52-56), the liquid transfer member including a liquid accumulating portion (24) accumulating the liquid; and a restricting portion (22) formed from a porous film formed with fine pores, supplying the liquid in said liquid accumulating portion to said transfer surface with restriction, the porous film having a thickness (i.e., depth) 10 to 200 microns (col. 5, lines 3-11) and pore diameter range of about 2 microns (col. 3, lines 16-27 and col. 4, lines 50-56) wherein the liquid in the liquid accumulating portion is supplied to the another surface through the porous film by a depression force (see for example, Fig. 7). Lakes fails to teach or suggest 1) the microporous restricting portion or film layer having a pore diameter in the range of 0.1 to 1 microns, 2) the stamp pad being placed in the form of a kit (i.e., a receptacle having a lid), and 3) the liquid used with the pad being silicone oil. However, it was known in the art, at the time the invention was made to provide a microporous portion or film layer in a liquid transfer device to be in the range of at least 0.5 microns in order to allow for some fluid flow but yet prevent substantial "bleed out" of the fluid as evidenced by Hansen (col. 4, lines 62 to col. 5,

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line 5). It would have been obvious to one of ordinary skill in the art to provide the microporous restricting portion or film layer of Lakes to be of a pore diameter of at least 0.5 microns as taught by Hansen, in order to allow for some fluid flow through the restricting portion but prevent substantial "bleed out" of the fluid. As for the use of the stamp pad being in kit form to include a lid, Lakes alludes to use of a stamp pad in kit form as evidenced by col. 10, lines 54-56, as it is common in the industry for the benefit of keeping the pad with liquid therein from drying out. Finally, the type of liquid used in the kit device defined by the combination above is not set forth but Ichikawa et al establish the conventional use of ink in a stamp pad having silicone oil therein as evidenced by col. 1, lines 3-5; lines 40-57 such that it would be well with the purview of one skilled in the art to place silicone oil containing liquid in the stamp pad of the kit device defined by the combination above.

With respect to claims 3 and 5, the kit device as defined by the combination above would include a receptacle having a supporting frame to mate with the lid.

With respect to claim 4, the prior art above to Lakes, Hansen, Lofgren, and Ichikawa et al combined do not disclose uniformity in density of the liquid accumulating portion. However, because Lakes illustrates the liquid accumulating portion being formed from a polymeric composition compressed into a sheet or layer of uniform thickness (See Fig. 2; col. 7, lines 38-43), one of ordinary skill in the art would expect that the liquid accumulating portion or layer to be of a uniform density.

With respect to claims 6/7, the device as defined by the combination above would meet said different density limitation because Lakes recognizes that the polymeric composition can be extruded as two or more layers with different void volumes or channels (see col. 7, lines 13-17).

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Therefore, one of ordinary skill in the art would readily appreciate the liquid accumulating portion resulting from a multilayered sheet of different void volumes and or channel sizes to result in a sheet having different or varying density in thickness.

With respect to claim 9, this claim has been given no patentable weight because the established relationship, between the accumulating portion, film, and product intended to be used with the apparatus, does not constitute a structural limitation.

With respect to claim 15, the liquid transfer member of the device defined by the combination above is construed to be a multilayered deformable film or sheet product that when placed on a shaft or rod to contact another surface can take the form of said surface even when said another surface is curved.

With respect to claims 55 and 56, these claims have been given no patentable weight because the printed product is intended to be used with the liquid transfer device and therefore, does not add further structural limitation to the liquid transfer device.

Claims 8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakes (US 4,226,886), Hansen (US 3,971,315), Lofgren (US 3,326,180), and Ichikawa et al (US 6,051,629) as applied to claims above 1, 3-7, 9, 15, 55, and 56 and further in view of Terry (US 5,213,751).

The teachings of Lakes, Hansen, Lofgren, and Ichikawa et al have been mentioned above but none of said prior art teaches or suggests the liquid accumulating portion being formed of laminated sheets of different densities. However, it was known in the art, at the time the invention was made, to form a multilayered pad product including a liquid accumulating portion

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via the lamination of sheets of different materials (including polymer and adhesive) as evidenced by Terry (col. 3, lines 28 to col. 4, line 23). In light of the teachings of Terry, one of ordinary skill in the art would readily appreciate the liquid accumulating portion of the device defined by the combination above to be alternatively formed by lamination of at least one polymeric sheet layer adjacent an adhesive layer to result in a multilayered sheet of different materials and therefore different densities.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lakes (US 4,226,886), Hansen (US 3,971,315), Lofgren (US 3,326,180), and Ichikawa et al (US 6,051,629) as applied to claim 15 above and further in view of Kent (US 3,009,440).

The teachings of Lakes, Hansen, Lofgren, and Ichikawa et al have been previously mentioned but none of said prior art teaches or suggests the liquid accumulating portion having stripe form grooves on a bottom surface thereof. However, it was known in the art, at the time the invention was made, to form a multilayered pad product including a liquid accumulating portion having stripe form grooves on a bottom surface thereof to allow for penetration of fluid into the pad product as evidenced by Kent (col. 2, lines 13-19). It would have been obvious to one of ordinary skill in the art to provide grooves as taught by Kent on the bottom surface of the liquid accumulating portion of the device defined by the combination above in order to facilitate penetration of fluid into the pad.

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Claims 1, 3-7, 9, 15, 55, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakes (US 4,226,886) in view of Hansen (US 3,971,315), Lofgren (US 3,326,180), and Arndt (US 5,737,071).

Lakes teaches a liquid transfer device or stamp pad comprising a liquid transfer member (74) for receiving a desired liquid (col. 1, lines 6-8; lines 43-46), the liquid transfer member including a transfer surface to contact another surface, the liquid transfer member for placement in a holder (col. 10, lines 52-56), the liquid transfer member including a liquid accumulating portion (24) accumulating the liquid; and a restricting portion (22) formed from a porous film formed with fine pores, supplying the liquid in said liquid accumulating portion to said transfer surface with restriction, the porous film having a thickness (i.e., depth) 10 to 200 microns (col. 5, lines 3-11) and pore diameter range of about 2 microns (col. 3, lines 16-27 and col. 4, lines 50-56) wherein the liquid in the liquid accumulating portion is supplied to the another surface through the porous film by a depression force (see for example, Fig. 7). Lakes fails to teach or suggest 1) the microporous restricting portion or film layer having a pore diameter in the range of 0.1 to 1 microns, 2) the stamp pad being placed in the form of a kit (i.e., a receptacle having a lid), and 3) the liquid used with the pad being at least one of fatty acid ester, silicone oil, modified silicon, or fluorinated oil. However, it was known in the art, at the time the invention was made to provide a microporous portion or film layer in a liquid transfer device to be in the range of at least 0.5 microns in order to allow for some fluid flow but yet prevent substantial "bleed out" of the fluid as evidenced by Hansen (col. 4, lines 62 to col. 5, line 5). It would have been obvious to one of ordinary skill in the art to provide the microporous restricting portion or film layer of Lakes to be of a pore diameter of at least 0.5 microns as taught by Hansen, in order

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to allow for some fluid flow through the restricting portion but prevent substantial "bleed out" of the fluid. As for the use of the stamp pad being in kit form to include a lid, Lakes alludes to use of a stamp pad in kit form as evidenced by col. 10, lines 54-56, as it is common in the industry to do, if so, for the common sense benefit of keeping the pad with liquid therein from drying out. Finally, the type of liquid used in the kit device defined by the combination above is not set forth but Arndt establishes the conventional use of non-volatile liquids including silicone oil, fatty acid esters, etc. therein as evidenced by col. 6, lines 6-40 such that it would be well with the purview of one skilled in the art to place non-volatile liquids including silicone oil, fatty acid esters, and such of the same class in the stamp pad of the kit device defined by the combination above.

With respect to claims 3 and 5, the kit device as defined by the combination above would include a receptacle having a supporting frame to mate with the lid.

With respect to claim 4, the prior art above to Lakes, Hansen, Lofgren, and Arndt combined do not disclose uniformity in density of the liquid accumulating portion. However, because Lakes illustrates the liquid accumulating portion being formed from a polymeric composition compressed into a sheet or layer of uniform thickness (See Fig. 2; col. 7, lines 38-43), one of ordinary skill in the art would expect that the liquid accumulating portion or layer to be of a uniform density.

With respect to claims 6/7, the device as defined by the combination above would meet said different density limitation because Lakes recognizes that the polymeric composition can be extruded as two or more layers with different void volumes or channels (see col. 7, lines 13-17). Therefore, one of ordinary skill in the art would readily appreciate the liquid accumulating

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portion resulting from a multilayered sheet of different void volumes and or channel sizes to result in a sheet having different or varying density in thickness.

With respect to claim 9, this claim has been given no patentable weight because the established relationship, between the accumulating portion, film, and product intended to be used with the apparatus, does not constitute a structural limitation.

With respect to claim 15, the liquid transfer member of the device defined by the combination above is construed to be a multilayered deformable film or sheet product that when placed on a shaft or rod to contact another surface can take the form of said surface even when said another surface is curved.

With respect to claims 55 and 56, these claims have been given no patentable weight because the printed product is intended to be used with the liquid transfer device and therefore, does not add further structural limitation to the liquid transfer device.

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skill in the art would readily appreciate the liquid accumulating portion of the device defined by the combination above to be alternatively formed by lamination of at least one polymeric sheet layer adjacent an adhesive layer to result in a multilayered sheet of different materials and therefore different densities.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Laura Edwards
Primary Examiner
Art Unit 1792

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October 12, 2007